

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Norman J. Bennett et al.

Application No.: 10/551,235

Confirmation No.: 4118

Filed: July 11, 2006

Art Unit: 1614

For: USE OF ALLICIN AS PRESERVATIVE, AS
DISINFECTANT, AS ANTIMICROBIAL OR
AS BIOCIDAL AGENT

Examiner: Stone Christopher R

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 23, 2008, applicant hereby provisionally elects Group I, drawn to a composition of matter, for continued examination, without traverse. This response is accompanied by a Preliminary Amendment. In the amended claims, Group I corresponds to claims 1-2, 4-5, 7-16, and 18-21. In the amended claims Group III is represented by claim 22 and Group II is represented by claim 23.

The Office Action also requires election of a species of examination. Applicant elects a water disinfectant or biocide formulation, corresponding, e.g. to element (v) of claim 1. Claims 1 and 13 read on the elected species.

The election is made without prejudice or disclaimer. Applicant retains the right to prosecute non-elected claims in a separate application.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21046-00053-US1 from which the undersigned is authorized to draw.

Dated: October 17, 2008

Respectfully submitted,

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